

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JAMES EDWARD EPPS,**

**Petitioner,**

**V.**

**VIRGINIA BEACH CITY JAIL,**

**Respondent.**

**Civil Action No. 3:07CV264-HEH**

**MEMORANDUM OPINION**

By Memorandum Order entered on May 15, 2007, the Court conditionally filed Petitioner's 28 U.S.C. § 2254 petition. On May 30, 2007, the May 15, 2007 Memorandum Order was returned to the Court by the United States Postal Service marked, "UNDELIVERABLE AS ADDRESSED; UNABLE TO FORWARD." Petitioner's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

*HEH* /s/  
Henry E. Hudson  
United States District Judge

Date: July 6, 2007  
Richmond, Virginia